
PLANNING COMMISSION MINUTES

October 16, 2007

7:00 P.M.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Beth Holbrook, Dave Badham, Michael Allen, Ray Keller, City Attorney Russell Mahan, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: City Council Representative Barbara Holt and City Engineer Paul Rowland.

Clark Jenkins welcomed all those present. Dave Badham made a motion to approve the minutes for October 2, 2007 as written. Ray Keller seconded the motion and voting was unanimous in favor.

1. Consider preliminary and final commercial site plan approval located at 300 N. 200 W., Smith Livingood Company, applicant.

Dr. Mackay, partner with Bill Smith, was present. Aric Jensen explained that Mr. Smith is requesting preliminary and final site plan approval for an office building located at 280 North 200 West. The property is currently zoned P-O, which allows professional and medical office uses as a permitted use. The applicant is proposing a two story office building with the main level used for a dentist office, and the upper floor used for professional offices.

Staff has reviewed the proposed site plan submittal and found it to be complete and very thorough. There are only a few very minor redline corrections that need to be made. The proposed building will be approximately 7,000 sq. ft, with an unfinished basement used for storage and utility access. At the most intense parking use which is 100% medical office, the site would require 28 parking stalls. The proposed site plan will provide 29.

The walkway on the south side of the building will need to be widened by one foot (1') from 5' to 6' because of the bumper overhang, handicap ramp, and egress door. This will decrease the overall building width by the same 1'.

Stormwater detention will be located in the parking lot and metered out to the catch basin in 200 West via a new manhole located in the front yard near 300 North. Since onsite detention is provided, the stormdrain fee should be waived.

Sewer and water line connections will come in from 300 North, while the gas stub will come from the main located in the park strip along 200 West. The current site plan shows a new electrical transformer on the north side of the building near 300 North, however, the Power Department will actually locate it on the southwest corner of the site near 200 West.

The site plan also shows that the existing fence on the east side will remain, which is a solid

vinyl fence, and that a matching fence will be built along the south property line. There is a solid dumpster enclosure in the southeast corner that will have matching doors.

The landscaping plan needs some revising, however, staff recommends making those adjustments with the landscape architect in the spring when the weather is more conducive to that activity.

Staff recommends preliminary and final commercial site plan approval for the Mackay Dental Office Building with the following conditions:

1. Redline corrections made
2. The landscaping plan and landscaping be completed to the satisfaction of the Planning Director prior to final occupancy approval
3. The stormwater fee be waived because of the onsite detention

Dr. Mackay explained that he and Mr. Smith are the owners of this building and Mr. Smith could not be present at this meeting.

After a brief discussion Dave Badham made a motion to recommend to the City Council preliminary and final Commercial Site Plan approval for 280 N. 200 W. subject to the conditions outlined by Staff and the addition of the following:

4. If building code requires a second egress from the upper floor, it may not be on the exterior of the building

Tom Smith seconded the motion and voting was unanimous in favor.

2. Consider preliminary and final Condominium site plan approval located at 315 W. 200 N., Jonathon Blosch, applicant.

Jon Blosch, applicant, was present. Aric Jensen explained that Mr. Blosch requests preliminary site plan review for a 4-unit condominium development at 315 W. 200 North in the RM-13 zone. This is the same site on which Greg Call proposed to build 3 rambler-style condos about 2 months ago. Mr. Call has since sold the property to Mr. Blosch, who is proposing to construct townhomes instead of the rambler-style units.

The property is completely surrounded by existing multi-family units and is about .395 acres in size, which allows for a maximum of 4 units under the density standard of 9 units per acre. The proposed 4 unit structure is turned perpendicular to the street and therefore is required to have a 20' rear yard behind the units and to the rear of the property, and a 25' front yard setback at the front of the property and the front of the units.

All four units are proposed to have 2 bedrooms, which requires 9 parking stalls, 4 of which must

be covered. The proposed site plan shows four covered stalls and 5 uncovered stalls.

The minimum landscaping requirement is 40% of the total site, but the site plan currently only shows 39.2%. The staff redlines show narrowing the driveway to 20' wide and eliminating the unnecessary walkway on the side of Unit 4, which will bring the landscaping up over the minimum 40% requirement.

The redlines also show several other items. First, a revised grading plan that includes a 6-inch vertical step between Unit 2 and Unit 3 to create a more uniform driveway slope. Second, an onsite detention basin with an outlet into the 400 North storm drain. Third, individual 1" water meters and lines for each unit, and an 8" sewer line running to a 48" manhole in 200 North. Fourth, the building elevations show only about 40% brick facade, while the ordinance requires a minimum of 50%. After the Staff report was written, staff received a revised site plan with the redline corrections, which were included in the packets.

At the time the agenda and staff report were prepared, Staff recommended only preliminary condominium site plan approval because of the numerous redlines and with the following conditions:

1. Correct all redlines, including designing an onsite stormwater detention system
2. Provide landscaping plan
3. Submit all necessary items for condominium approval, including:
 - a. Bond for surface improvements
 - b. Title Report
 - c. Fees for water service
 - d. Condominium plat and HOA documents

Jon Blossch explained that the current plan will be dressed up with rock, on the front of the units, to define the units better.

After a brief discussion Michael Allen made a motion to recommend to the City Council preliminary condominium site plan approval located at 315 W. 200 N. subject to the conditions and findings outlined by Staff. Beth Holbrook seconded the motion and voting was unanimous in favor.

3. PUBLIC HEARING-Consider a zone map amendment from R-F to R-3 located at 1600 E. Skyline Drive, Randy Lewis, applicant.

Randy Lewis, applicant, was present. Aric Jensen explained that Mr. Lewis, applicant and agent for the property owner, is requesting a zone map amendment from R-F (Residential Foothill) to R-3 (Residential Single Family) for a parcel of land located at the northern terminus of Skyline Drive. The parcel is commonly referred to as "the old Eagle Ridge Subdivision Plat D," although it was never actually subdivided. This proposed subdivision would be composed of 3 lots, with

an average lot size of 3 acres.

This piece of ground is approximately 9 acres in size and is located along a narrow shelf of Lake Bonneville at approximately the same elevation as Bountiful Blvd. At one time it was zoned R-1-12 and a developer created a proposed subdivision plat based on that zone designation showing numerous lots which looked good on paper, but was undevelopable due to the steep terrain that encompasses the majority of this parcel. The developer then obtained financing for the project, defaulted on the loan, and the bank took over the property. The City then rezoned the property to R-1-12 F (Single Family Residential with a Foothill Overlay), which the City subsequently rezoned to R-F when the Foothill Overlay zone was converted to simply the Residential Foothill Zone. The City's justification in accomplishing these various rezones was that there were no slope standards or minimum building pad requirements in the Residential Single Family zones, only in the Foothill Overlay Zone and the subsequent Residential Foothill Zone. Also, at the time State Law did not allow rezoning with conditions, which it now does. And so the City had limited zoning tools available at that time, and simply picked the best zone designation available.

The General Plan states that the property should be developed with single family residential lots under the R-1-12F zone. This zoning classification doesn't exist anymore, but it was something of a hybrid between the current R-F and R-3 zones. The minimum lot size in the R-1-12F was 2 acres, and so a 9 acre parcel could be developed into 4 lots. The applicant is requesting 3 lots, each larger than 2 acres. Based under the current zone this property could only have 1 lot because the current ordinance requires a minimum of 5 areas per lot. This property could not be subdivided as it is with having only 9 areas.

There are numerous utilities running through this property, including a high pressure natural gas pipeline. There is also a prescriptive access easement to the National Forest Service property to the north, which also contains the Lion's Club Shooting Range. The proposed road that would run through the subdivision has been shown on the Bountiful Street Master Plan since at least 1992.

The City has been working with the Forest Service for the last 10 years to accomplish a land exchange involving the shooting range property and several square miles of land that the City owns in the mountains east of Bountiful Blvd. If the City ever took ownership of the property and put it to a public purpose, it would have to acquire a full public right-of-way, either through negotiation or condemnation, and then construct the road, all at taxpayer expense.

There are several key issues that should be discussed before making a decision. First, from a policy standpoint, the General Plan and the Street Master Plan call for a 54 foot wide public road serving single family residential development. The specific zone mentioned in the General Plan no longer exists, but the intention is clearly for a very low density single family development that takes into account the mountainous characteristics of this property.

Second, under the current zoning designation, the property owner has the right to construct at

least one single family home on the property. This home would need to be 500 feet from the end of the public road. The owner could choose to construct a 600 foot long road with cul-de-sac, and then construct a 500 foot long driveway, for a total of 1100 linear feet as measured along the centerline of the road and driveway. The entire length of the proposed road, as measured along the centerline, is approximately 1050 linear feet, or 50 feet shorter than the maximum combined road and driveway length. The distance to the buildable area on Lot 1, which is the furthest from the intersection with Eagle Ridge Drive, is 1075 feet. Since the maximum cul-de-sac and driveway lengths are the same in both zones, the same length of drive-access could be constructed regardless of whether or not the rezone occurs. The only difference is that three lots could be constructed in the R-3 zone, and only one lot could be constructed in the R-F zone. Furthermore, since the proposed road is part of the City Master Street Plan, the City could require that the entire road be constructed, regardless of whether or not the rezone occurs and even though it extends beyond the 600 foot maximum cul-de-sac length.

Third, both zones allow only single family homes and require a minimum building pad located entirely within slopes less than 30%. The R-F zone requires a minimum 6,000 sq. ft pad, while the R-3 zone requires a minimum 3,000 sq. ft building pad. The R-3 zone allows a property owner to disturb slopes that are 30% or steeper, while the R-F zone does not. The R-F zone allows for minimum lot sizes ranging from 20,000 sq. ft up to 5 acres depending on slope and minimum building pad area, while the R-3 zone allows for a minimum lot size of 11,000 sq. ft with a maximum density of 3 units per acre, depending on the availability of building pads. All of the existing, adjacent homes are located in the R-3 zone and have all of the rights and privileges associated with that zone.

Fourth, when considering this amendment, the Planning Commission must find that “The amendment is necessary, is in the interest of the public, and is in harmony with the objectives and purposes of [the Zoning] Ordinance.” Staff’s opinion is that the applicant’s proposal to create 3 single family lots on a 9 acre parcel of land and to construct the extension of Skyline Drive the entire length of the property is in harmony with both the General Plan and the Master Street Plan, which are the guiding documents for development within the City. Furthermore, constructing the extension of Skyline Drive is in the interest of the public because:

1. It accomplishes the designs of the Street Master Plan
2. It extends public utilities, including culinary water and sanitary sewer, to the boundary of the Forest Service Property
3. It enhances fire access to the foothill areas and provides a water main extension and at least 2 new fire hydrants
4. It enhances erosion control and reduces run off onto the properties below by catching storm water and diverting it laterally to a proper storm drain channel

Lastly, the zone map amendment is necessary to give the person(s) who construct on this property the same rights and privileges afforded to every other homeowner in the area.

Staff recommends approval of the proposed rezone to R-3 with the condition that a maximum of 3 lots be allowed, that any development be in general conformance with the proposed subdivision drawings presented by the applicant, and that Skyline Drive be constructed in its entirety within the boundary of this property.

Clark Jenkins stated that those who are present for the public hearing must state their name and address before making their comments.

The public hearing was opened for all those with comments and concerns.

Joseph Rust, residing at 1403 North Ridge Drive, presented a letter signed by himself with attached signatures from surrounding residents opposing the rezone (this letter will be attached to the minutes). Mr. Rust feels that the dirt road leading to the gun club is a public road because it has existed for more than 10 years and does not have to be condemned by the City. The current zone allows for a single family home and there are not any issues with regulatory taking with this property. Mr. Rust would like to know why 3 homes can't be created with the current zone with exceptions added to it. The current zone has requirements attached to protect the citizens and the hillside. Mr. Rust has some concerns with scaring up the hillside, fire danger, unstable slopes, decrease in water pressure, and more traffic. He also feels that the bank is not the developer, but is an institution looking to maximize the property to sell to a developer for more density and profit. There is no need to change the zoning.

Lynn Barnett, 1244 North Ridge Drive, has watched this area being developed over the past 30 years and he has wondered about the planning decisions made. The decisions made by the City have left a gas line along the hillside, Eagle Ridge Drive has been pushed so far east (to allow the gas line) that the lots on the east side are uninhabitable, large cuts and fills, a mountain for ATV's which cut through on the residential streets, the noise from the traffic and the ATV's, and a very dangerous hair pin curve from Skyline Drive. Mr. Barnett feels that it is time for the City to consider the concerns of the residents in this section of the City. He has concerns with the erosion of the hillside, having more cuts and fills on the hillside, storm water drainage, more traffic and noise. Mr. Barnett is against approval of the zone change.

Brent Moon, developer of Northern Hills Subdivision, explained that he was required to comply with all City codes when developing the Northern Hills Subdivision and he feels that the City cannot compromise now on any current codes in this area.

Boyd Black, residing at 1305 North Ridge Drive, questioned the idea about regulatory taking on this property and asked if the bank is under contract to sell this property to another developer.

Ron Spratling, representing the bank, explained that typically banks do not develop property but this property was taken over by the bank via foreclosure. At the time of the loan approval, the bank was informed that a site plan showing 9 homes was approved by the City, which it was not. The bank has lost several hundred thousand dollars on this property.

Mr. Black continued to explain that every time there is any ground movement it affects his property. Water drainage off of this property hits his property. Mr. Black fails to see how changing the zoning of this property will benefit the residents of Bountiful. Developing this property for a profit is not in the best interest of the public. Mr. Black feels that this property should be owned and maintained as open space, not by Bountiful City, but by the Forest Department. Mr. Black is in favor of denying the rezone.

Chris Brinkerhoff, residing at 1446 E. Skyline Drive, feels that there was very poor planning of the original subdivision. Some of the existing homes should not have been approved by the City. The streets are narrow and jammed with traffic from the use of the gun club and ATV's and there have been several accidents on this narrow road. If this rezone is approved, the traffic will increase even more.

Peter Ruplinger, residing at 895 Northern Hills Circle, is puzzled by the idea that the bank has lost money on this property. His property value has increased over the last two years and feels that this property has also.

Rachel Fraser, residing at 1418 North Ridge Drive, loves to see the deer and the beautiful hillside. Ms. Fraser does not want to see the hillside cut up anymore for additional homes. She also doesn't like having the gun range and all the traffic from the ATV's. Ms. Fraser feels that the City should not allow more homes to be built above her home.

Martin Ehman, residing at 1493 Skyline Drive, has had several car accidents in front of his property over the years. The recent accident had a car lose control and go over the edge of the mountain. People coming down Edge Ridge Drive go too fast and can't make the turn and he has replaced sections of his yard several times. Mr. Ehman also feels that the hillside is just a playground for the ATV's.

Brett Bailey, residing at 1272 North Ridge Drive, would like to encourage the City to post notices and mailing for more than 500 Feet. Mr. Bailey has concerns about having more density in this area. The roads cannot handle more traffic than already exists. Mr. Bailey is opposed to the rezone.

Alan Mortenson, residing at 1269 North Ridge Drive, feels that there is something more going on by the City and the public is not being told what is going on. He feels that there is not enough information being given to justify the rezone.

Vicki Parsons, residing at 708 Eagle Ridge Drive, has concerns about the County and City boundaries. When she has called the police for noise violations, parties, parking, and general problems associated with the ATV's in the middle of the night, she gets the run-around and the City and County aren't doing anything. The City needs to protect it's citizens.

Paul Peterson, residing in Holiday, owns property south of this property. Mr. Peterson has

known Ron Spratling for 25 years and any project he has done has been with class and beauty. Mr. Spratling takes a lot of care with his projects and makes the project better than what has existed.

Jack Pyper, residing at 1269 North Ridge Drive, has concerns with the deep ruts caused by erosion, and with some type of staking by the gun club. Mr. Pyper has concerns with the use of the gun club. He has had buckshot in his backyard and as close as his patio. Mr. Pyper doesn't understand why the City wants to destroy the hillside.

Aric Jensen explained that Holly Oil was going to construct a 24-inch crude oil pipeline until the City convinced the oil company to use the current existing right-of way down Weber Canyon. The staking of property could have been the oil company.

Richard Strong, residing at 1338 E. 600 North, feels that there is a proposal for rezone without a plan of what is going to be done. There needs to be a plan in place before changing the zone.

The public hearing was closed for no more comments.

The Planning Commission held a lengthy debate and discussed the merits of the issue, including possible conditions that could be placed on the property to address the issues raised by the public, which were:

- No more homes should be built in this area
- The gun club is a nuisance and needs to go away
- The ATV and snowmobile users are a nuisance and need to go away
- There's low water pressure in this area
- There's a lot of traffic (because of the ATV/snowmobile users and gun range)
- Eagle Ridge Drive needs to be completed south to Bountiful Blvd
- The intersection of Eagle Ridge Drive and Skyline Drive is dangerous and needs a street light
- There are water runoff/erosion problems in the area
- The subject property should be developed in the current R-F zone
- Residents of the area don't want to look up and see homes/disturbed hillside above them

After the lengthy discussion, Mr. Badham made a motion to recommend to the City Council that they deny the rezone from R-F to R-3 located at 1600 E. Skyline Drive. Tom Smith seconded the motion and voting was unanimous in favor.

4. Planning Director's report.

Aric Jensen explained that State Law requires that the Planning Commission have an annual training. Mr. Jensen has the materials needed to do the training at City Hall. It was decided to

have the training before a scheduled Planning Commission meeting and serve a light dinner during the training. A tentative date was set for November 20, 2007 at 6:00 p.m..

Meeting adjourned at 9:10 p.m.